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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert (US 4,724,491) in view of Summers (US 3,848,082).

2. With regard to claim 2, Lambert (US 4,724,491) discloses a method of controlling a transmitter station including:

inputting to a computer ("computer means") (col. 1, ll. 39-44) a schedule that designates mass medium programming ("spot messages") and includes at least one of:

(a) a time to transmit said mass medium programming to a remote receiver station ("time bands" when messages are to be run)(col. 1, ll. 39-44); and

(b) a channel on which to transmit said mass medium programming to said remote receiver station ("networks" on which messages are to be run)(col. 1, ll. 39-44);

detecting the presence of a control signal at said transmitter station and passing said control signal to said computer, said control signal designating at least one of said mass medium programming (control signals specify which message is to be transmitted during a particular message transmission interval)(col. 3, ll. 3-12); and said information to be associated with said mass medium programming;

generating a signal containing said mass medium programming; and

transmitting said signal to a remote receiver station (spot messages are transmitted at the scheduled time)(col. 3, ll. 8-12).

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Lambert fails to specifically disclose selecting information to be associated with said mass medium programming based on said schedule, said selected information including at least one of video, audio, and software or transmitting the information to be associated with said mass medium programming along with the mass medium programming at the scheduled time.

Summers (US 3,848,082) discloses a similar system for transmitting television programs to receiver stations (Abstract). Summers teaches selecting information to be associated with mass medium programming (supplemental data is selected and added to a video signal)(col. 1, ll. 35-41), including at least one of audio, video (supplemental data may include video displays)(col. 7, ll. 10-16) and software (supplemental data can be control signals to operate co-located devices)(col. 7, ll. 38-45), and transmitting the information along with the mass media programming when the mass medium programming is scheduled for transmission (supplemental data is combined with the video signal to form a modified video signal)(col. 3, ll. 53-58). This would have been an advantageous addition to the system disclosed by Lambert since it would have allowed supplemental data to be added to the transmitted messages, such as coupons or other features of interest to viewers (Summers, col. 7, ll. 10-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select information to be associated with mass medium programming and incorporate it into the transmission of the programming to allow supplemental information to be provided to users as a part of the same transmission.

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3. Claim 12 is rejected under the same rationale as claims 2, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are explicitly or inherently taught by the above cited art.

Conclusion

4. The following prior art is considered pertinent to applicant's disclosure and current claims:

- a. Greenberg (US 4,547,804) teaches transmission of mass medium programming and verifying that it was transmitted in accordance with a schedule (col. 3, ll. 1-29).
- b. Lambert (US 4,381,522) teaches transmission of mass medium programming in accordance with a schedule formed in part by user requested scheduling of programming (col. 2, l. 54 to col. 3, l. 1).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Aaron Strange/
Primary Examiner, Art Unit 2448